

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE**

HYC LOGISTICS, INC.,

Plaintiff/Counter-Defendant,

vs.

Civil Action No. 2:23-cv-02050-TLP-tmp

**OJCOMMERCE, LLC D/B/A
OJ COMMERCE, LLC AND
JACOB WEISS, INDIVIDUALLY,**

Defendants/Counter-Plaintiffs

**OJCOMMERCE, LLC D/B/A
OJ COMMERCE, LLC**

Defendant/Counter-Plaintiff

vs.

**ITAMAR ARANOV, URI SILVER,
562 EXPRESS, INC., ANTONIO HERNANDEZ
and DAYANA DIAZ,**

Counter-Defendants.

OJ COMMERCE, LLC

Plaintiff

**Civil Action No. 2:23-cv-02226-TLP-atc
CONSOLIDATED**

vs.

562 EXPRESS, INC.

Defendant.

DECLARATION OF ANTONIO HERNANDEZ

I, Antonio Hernandez, do hereby state and declare:

1. I am Vice President of 562 Express, Inc.

2. 562 Express provides trucking services, including transporting shipping containers from terminals to warehouses in and around the Los Angeles area.
3. 562 Express was retained by HYC Logistics, Inc. to transport containers.
4. HYC requested that 562 Express transport several hundred containers for OJ Commerce, LLC, a customer of HYC.
5. 562 Express provided services and transported OJ Commerce containers between August 2022 and December 2022.
6. 562 Express was named as defendant in a lawsuit brought by OJ Commerce in the federal district court in California. That case was transferred to the Western District of Tennessee and consolidated with a case where HYC Logistics, Inc. has sued OJ Commerce.
7. OJ Commerce named me as an individual defendant in a counterclaim, alleging claims of conspiracy.
8. The counterclaim of OJ Commerce against me individually was dismissed by Judge Parker on August 5, 2024.
9. I appeared for a deposition in my individual capacity on March 25, 2024.
10. That deposition started at 12:05 PM Eastern and finished at 8:34 PM Eastern. The transcript is 246 pages.
11. I appeared as Rule 30(b)(6) corporate representative on July 18, 2024. That deposition started at 2:01 PM Eastern and concluded at 5:16 PM Eastern.
12. I have been deposed for more than 11 hours by counsel for OJ Commerce.
13. I have searched for the documents requested by OJ Commerce in the Rule 30(b)(6) Notice of Deposition.

14. With respect to compensation and distributions made to officers, directors and shareholders of 562 Express between January 1, 2022 and January 1, 2023, my search indicated that there were no distributions made.
15. With respect to compensation, I testified at the deposition on July 18, 2024, that I received \$65,000 salary in 2022 and \$90,000 in 2023. (Transcript, p. 89)
16. The other owner of the 565 Express is Oscar Hernandez. He received \$75,000 in 2022 as salary and \$80,000 in salary in 2023. (Transcript, p. 90)
17. With respect to tax returns, I have made a search and inquired with our accountant. 562 Express has not filed tax returns for 2022 or 2023.
18. I testified at my deposition that 562 Express requested an extension for the 2023 return. At the time I was deposed, I was not aware that 562 Express had also requested an extension for the 2022 tax return.
19. With respect to banking records, at the deposition I provided electronic copies of 562 Express' bank records, starting with August 2023 through June 2024.
20. I have now secured the bank records for all of 2022 and all of 2023, they have been provided to my counsel and disclosed to OJ Commerce.
21. Regarding the request for the accounts receivable, accounts payable, liquidity, loan history and notice of defaults between January 1, 2022 and December 31, 2023, I have made inquiries and searched the records of 562 Express.
22. 562 Express does not have records reflecting accounts receivable or accounts payable.
23. Regarding liquidity, the bank statements presented at the deposition reflect a running total of available cash at the end of each month, from August 2023 through June 2024.

24. At the deposition, counsel for OJ Commerce reviewed all records of beginning and ending balances for August 2023 through June 2024.

25. The bank records of 2022 and January through August 2023 also reflect the beginning and ending balances for each month.

26. The December 31, 2022 bank statement reflects an ending balance of \$2,200,278.95.

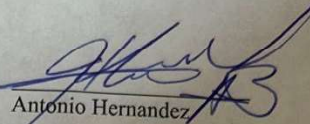
27. The December 31, 2023 bank statement reflects an ending balance of \$1,513,131.67.

28. There were loans for this period, as I testified at my deposition. (Transcript, p. 44)

29. There were no notices of default, as I testified at my deposition. (Transcript, p. 45)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 8/6/2024


Antonio Hernandez